

REMARKS

Claims 1-4 are pending in this application. The Office Action rejects claims 1-4 under 35 U.S.C. §102(b); and rejects claims 3-4 under 35 U.S.C. §103(a). By this Amendment, claim 1 is amended. Support for the amendment to claim 1 may be found in the present specification at, for example, page 5, Table 2 and Fig. 1. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Yager at the interview held August 12, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

I. Rejection under 35 U.S.C. §102(b)

Claims 1-4 are rejected under 35 U.S.C. §102(b) as anticipated by Matsuoka (JP 2003-104352). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Matsuoka does not disclose all of the features of amended independent claim 1. Specifically, Matsuoka first at least fails to disclose an organic silicon compound layer positioned *directly* on the, or on each, surface of the container body having the recited composition, and a silicon oxide compound layer positioned directly on a surface of said organic silicon compound layer. See, for example, the present Fig. 1. As discussed during the interview, this language specifies the order of the presently claimed layers. Matsuoka, however, discloses a container base material (Figure 1, item 1) on which is deposited a silicon carbide or silicon nitride layer (Figure 1, item 3) and then a silicon oxide layer is deposited *on top* of the silicon carbide or silicon nitride layer (Figure 1, item 2).

Therefore, Matsuoka discloses a different physical structure of the container than is presently recited. Namely, in Matsuoka the silicon oxide layer is the *intermediate* layer. In contrast, as seen in the present Figure 1, item 2b, and paragraph [0011], the silicon oxide layer of the presently claimed invention is the *outermost* layer. Matsuoka specifically

discloses that the arrangement of the layers therein is an essential feature. See paragraph [0020]. Therefore, Matsuoka does not anticipate, and would not have rendered obvious, independent claim 1 for at least this reason.

Additionally, Matsuoka also does not disclose that the organic silicon compound layer is "the reaction product of nitrogen gas, oxygen gas and an organic silicon compound." Matsuoka clearly discloses that "gas other than oxygen, such as inert gas and nitrogen, need to perform [sic] as reactant gas." Paragraph [0024]. In contrast, the presently claimed invention specifically and purposefully introduces oxygen as a gas. See the present specification at, for example, page 5, Table 2. Therefore, Matsuoka does not anticipate independent claim 1 at least because Matsuoka discloses the exact opposite of the presently recited feature that the organic silicon compound layer is the reaction product oxygen of a mixture including oxygen gas.

Furthermore, the presently claimed invention also would not have been obvious over Matsuoka because the presently claimed invention provides highly unexpected results. As seen in Tables 1 and 2 on page 5 of the present specification, the presently claimed organic silicon layer comprising nitrogen displays unexpected synergistic effects of improved low permeability as compared to an organic silicon layer not comprising nitrogen. In contrast, Matsuoka teaches that a nitrogen containing organic silicon layer is equally interchangeable with layers not containing nitrogen. See paragraph [0024], "such as inert gas or nitrogen"; also see the abstract, "silicon carbide or silicon nitride." Therefore, Matsuoka would not have rendered independent claim 1 obvious at least because the presently claimed invention provides unexpected results.

Accordingly, independent claim 1 is not anticipated by, and would not have been obvious over, Matsuoka. Dependent claims 2-4 therefore are also not anticipated by, and

would not have been obvious over, Matsuoka for at least the reason that independent claim 1 is not anticipated by, and would not have been obvious over Matsuoka.

Reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection under 35 U.S.C. §103(a)

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as having been obvious over Matsuoka in view of Namiki (U.S. Patent Application Publication No. 2002/0058115).

Applicants respectfully traverse the rejection.

Applicants respectfully submit that Namiki does not cure the deficiencies of Matsuoka, discussed above. Specifically, Namiki is cited merely for its disclosure of a refractive index value. Therefore, Namiki nowhere teaches or suggest a container having multiple gas barrier layers thereon.

Accordingly, dependent claims 3 and 4 would not have been obvious over Matsuoka in view of Namiki to the same extent, and for at least the same reasons, that independent claim 1 would not have been obvious over Matsuoka.

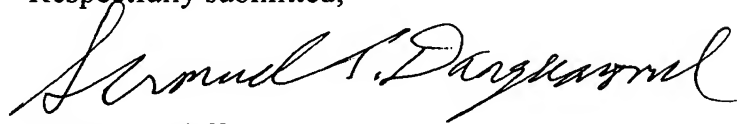
Reconsideration and withdrawal of the rejection are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:STD/emd

Enclosure:
Petition for Extension of Time

Date: November 19, 2008

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